# CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/270
8 October 1969
Original: ENGLISH

CANADA

## Working Paper on Article III of Co-Chairmen's Draft of Draft Treaty on Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof

* * * * *

### Procedures which should govern the "right to verify"

In order to promote the objectives and ensure compliance with the treaty, each of the parties to this treaty recognizes that other parties may, in pursuance of their existing rights, observe its activities on the sea-bed elsewhere than within the areas referred to in Article II provided that observance does not interfere with its activities nor otherwise infringe on rights recognized under international law including freedom of the high seas.

2. If a party is not satisfied that a particular activity of another party is compatible with the provisions of this treaty, the parties concerned shall consult and cooperate in an endeavour to resolve the issue.

3. If the procedures outlined in paragraph 2 do not resolve the issue, states parties to this treaty wishing to carry out further verification procedures shall give notice to the other state or states involved of their intention to request inspection. Parties recognize that such verification should not interfere with the activities in question.

4. Normally, if inspection is requested under these verification procedures, states would undertake to cooperate in facilitating inspection and granting such access as may be required. In the event of failure to cooperate, parties may have recourse to the Security Council which may request that such cooperation be provided under the procedures of this article.

5. (a) In order to facilitate the carrying out of such verification on a non-discriminatory basis by all states parties to this treaty, each state party to this treaty shall have the right to apply to another state party or to the Secretary-General of the United Nations for assistance by other states parties to the treaty in the carryin out of verification of the fulfilment of obligations assumed under this treaty.

(Previous documents in this series appeared under symbols ENDC/1-ENDC/266)

(b) On receipt of such an application for assistance the Secretary-General of the United Nations shall make arrangements for appropriate verification measures to be carried out by a technically competent state or states party or parties to the treaty. The applying state or states shall have the right to nominate an official to accompany the technicians of the investigating state or states.

(c) The cost of the investigation shall be borne by the state or states making the application for assistance, if verification procedures do not provide evidence of a violation of the treaty. In the event that verification procedures provide evidence that the treaty has been violated, the cost of the investigation will be paid for through an agreed procedure administered by the Secretary-General of the United Nations.

6. (a) Except as provided for in sub-paragraph (c) of this paragraph, verification procedures shall not be carried out on the continental shelf of any state party or in its superjacent waters without due regard to the exclusive rights of coastal states under the 1958 Geneva Convention on the Continental Shelf and rights inherent in existing international law.

(b) Prior to initiating verification procedures on the continental shelf of any state party or in its superjacent waters, the state party proposing to initiate such procedures undertakes to notify the coastal state which shall manifest within a reasonable period of time whether it wishes to be associated with the verification.

(c) The provisions of this paragraph do not apply to the process of simple observation in the normal course of navigation or over-flight and shall not be so implemented as to interfere with the freedom of the high seas.

7. Each state party to the treaty undertakes to extend its full cooperation in the implementation of the article.

8. At the review conference provided for in Article ____ consideration shall be given to whether any additional rights or procedures of verification should be established by amendment to this treaty.

# CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/271
16 October 1969
Original: ENGLISH

SWEDEN

Suggestion for an Article to be added to the Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof (document CCD/269)

"Each of the Parties to the Treaty undertakes to continue negotiations in good faith on further measures relating to a more comprehensive prohibition of the use for military purposes of the seabed and the ocean floor and the subsoil thereof."

---

Previous documents in this series appeared under symbols ENDC/1-ENDC/266).

GE.69-23023